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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,963	01/15/2002	Robert P. Schmidt	19001.023	5952

7590

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EXAMINER

GAGLIOSTRO, KEVIN M

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/047,963	<b>Applicant(s)</b> SCHMIDT, ROBERT P.	
	<b>Examiner</b> Kevin M. Gagliostro	<b>Art Unit</b> 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Specification Objections*

1. The specification is objected to because figure 3 is not described in the detailed description of the invention.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for rejections under this section made in this office action:

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,453,125 to Shono.

Shono clearly shows all of the limitations cited in claim 1. See all material cited in the specification. Referring to claim 1, Shono describes a protective device for a digital camera view finder including a LCD screen that comprises: a frame adapted to fit around edges of the viewfinder (figure 1, item 16) and (columns 2, lines; 62-66); said frame including connectors for connecting said frame to edges of the viewfinder or LCD (figure 1, item 16b) and (columns 2, lines; 62-66); and a window viewing portion surrounded and supported by said frame providing unobstructed viewing of said LCD screen through said window (figure 1, item 17) and (column 2, lines 55-66).

Shono clearly shows all of the limitations cited in claim 2. See all material cited in the specification. Referring to claim 2, Shono describes the protective device of claim 1 wherein said frame includes at least one mount adapted to mount a glare reduction device to said frame. This glare reduction is described as "light reduction" which prevents external light from entering the LCD (column 1, lines 33-37). Specifically, the mounting for a glare reduction device would in fact comprise all of item 16 in figure 1.

Shono clearly shows all of the limitations cited in claim 3. See all material cited in the specification. Referring to claim 3, Shono describes the protective device of claim 2 wherein said mount is a tab adapted to connect to a feature in the glare reduction device. Specifically, this tab would comprise the foot portion (figure 1, item

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16b) that connects the glare reduction device (figure 1, item 16) to the frame that is adapted to fit around the edges of the viewfinder (figure 1, items 12 and 12a).

Shono clearly shows all of the limitations cited in claim 4. See all material cited in the specification. Referring to claim 4, Shono describes the protective device of claim 3 including in combination a glare reduction device adapted to mount to said frame. This reiterates the statement for claim 3 in that the vertical rails (figure 1, item 16b) connecting the glare reduction device to the frame which fits around the edges of the viewfinder (figure 1, item 16b), does in fact make up the combination of a glare reduction device adapted to mount to said frame.

Shono clearly shows all of the limitations cited in claim 7. See all material cited in the specification. Referring to claim 7, Shono describes the protective device of claim 4 wherein said glare reduction device includes at least three rigid side members. Specifically, Shono shows four ridged side members making up a rectangular tubular hood body comprising said glare reduction device (figure 1, item 16a) and (column 2, lines 55-62).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103 that form the basis for rejections under this section made in this office action:

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

5. Claims 5, 6, 8, and 9 are rejected under 35 U.S.C. 103(c) as being unpatentable over U.S. Patent No. 6,453,125 to Shono in view of U.S. Patent No. 3,677,160 to Harvey.

Regarding claim 5, Shono describes the protective device of claim 4, but does not teach said glare reduction device is of a bellows construction allowing it to be expanded from said frame along a viewing axis for use and collapsible against said frame in a non-use position. Harvey describes a camera having a bellows construction allowing it to be expanded from the frame along the viewing axis for use (Harvey: figure 2) and collapsible against said frame in a non-use position (Harvey: figure 1). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the glare reduction device of Shono to include the bellows construction allowing it to be expanded from said frame along a viewing axis for use and collapsible against said frame in a non-use position. One would have been motivated to modify the glare reduction device of Shono to include the bellows construction of Harvey in that the device can be folded while not in use so as to occupy a minimum amount of storage space.

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Regarding claim 6, Harvey further describes the protective device of claim 5 wherein said glare reduction device comprises a fabric. Specifically, Harvey describes a camera comprising a bellows made up of stiffened members to a piece of flexible opaque fabric (Harvey: column 3, lines 61-65).

Regarding claims 8 and 9, Shono describes the protective device of claim 1 and 7, but does not teach said glare reduction device comprising plastic material. Harvey describes a camera with bellows (Harvey: figure 2, item 18) preferably made of flexible opaque plastic material (Harvey: figure 2, item 18 and column 3, lines 21-25). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the glare reduction device of Shono to include the plastic bellows construction. One would have been motivated to modify the glare reduction device of Shono to be comprised of plastic material in that it is commonly known within the art that plastic is widely used, as it is strong and cheaper than most materials.

6. Claims 10 and 11 are rejected under 35 U.S.C. 103(c) as being unpatentable over U.S. Patent No. 6,453,125 to Shono in view of U.S. Patent No. 3,677,160 to Harvey further in view of U.S. Patent No. 4,211,823 to Suzuki et al.

Regarding claim 10, Shono in view of Harvey describes the protective device of claim 9, but does not teach said window viewing portion is scratch resistant. Suzuki describes a coated lens (viewing portion) showing excellent scratch resistance (Suzuki: column 12, lines 24-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the protective device of Shono as modified by Harvey to include a viewing portion that is scratch resistant. One would have been motivated to provide a scratch resistant viewing portion since plastic lenses have become increasingly popular and scratch resistant coatings have often been suggested (Suzuki: column 1, lines 18-22).

Regarding claim 11, Shono in view of Harvey describes the protective device of claim 9, but does not teach said window viewing portion as comprising Lexan (RTM) plastic. Suzuki teaches of viewing portion (or lens) being produced of Lexan (Suzuki: column 12, lines 17-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the protective device of Shono as modified by Harvey to include a viewing portion that is Lexan plastic. One would have been motivated to provide a Lexan plastic viewing portion since plastic lenses including scratch resistance have been increasingly popular (Suzuki, column 12, lines 17-26).

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Gagliostro whose telephone number is 703-308-6070. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Gagliostro

12/23/2004

  
NGOC-YENVU  
PRIMARY EXAMINER